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September 12, 2008

**EX PARTE PRESENTATION**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: **Retrans Quiet Period, *Ex Parte* Presentation in Dockets No. 00-96, 98-120, 07-148**

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH Network") submits this letter summarizing ex parte presentations from yesterday and today in the above-referenced dockets. Brad Gillen and the undersigned met today with Rosemary Harold in Commissioner McDowell's office and expressed our support for a retrans quiet period to ensure that consumers do not lose programming as a result of retransmission consent disputes in the immediate time surrounding the February 2009 digital transition. We stressed that to be effective a retrans quiet period must begin no later than December 2008.

Respectfully submitted,

/s/ Linda Kinney  
Linda Kinney

Enclosure

cc: R. Harold



## Retrans Quiet Period

The Commission should adopt a retrans quiet period starting in December 2008 to avoid harm to consumers.

### ***Retrans negotiations will overlap with the digital transition.***

Thousands of retransmission consent agreements will expire in December 2008 – just weeks before the final digital transition date.

Most pay TV subscribers do not need to do anything to be “transition ready.” But, if broadcasters and pay TV providers do not reach a new retrans deal, consumers could lose access to some or all of their local broadcast stations.

Any dropped broadcast programming close to February 2009 may cause customer confusion and wasted expenditures (e.g., converter boxes, digital TVs).

### ***Broadcasters and pay TV providers support a quiet period.***

Broadcasters, cable companies and satellite providers all support a quiet period around the digital transition.

The only way to avoid consumer confusion and protect the status quo is to begin the quiet period no later than December to capture the expiration of most retrans deals.

Broadcasters are not harmed by a quiet period that starts in December – existing contracts would merely be extended.

Starting a quiet period later than December would be pointless because programming would already be dropped and the harm done. Programming cannot be added back in February absent a new carriage deal.

### ***The Commission has broad authority to establish a quiet period.***

The Commission has ruled explicitly that “Congress both mandated the digital transition and vested the Commission with the power to ‘prescribe such regulations as may be necessary for the protection of the public interest, convenience, and necessity’ in connection with the digital transition.”